

Anti-gay Bill may cost Uganda research centre

Mark Kirumira
Kampala

Uganda may lose the chance of hosting a major Aids research centre if it passes the Anti-Homosexuality Bill that seeks to significantly curtail gay rights, a UN official said on Monday.

United Nations and Ugandan health officials on Monday announced on the sidelines of the ongoing fifth African Aids Vaccine Programme (AAVP) conference in Kampala that the Geneva-based AAVP will next year be shifted to Entebbe at the Uganda Virus Research Institute.

The move is to boost Africa's participation in Aids vaccine research.

"Criminalising adult consensual sex is not only a human rights issue, it goes against a good HIV strategy," Ms Catherine Hankins, the chief scientific advisor for Unaid, which alongside the World Health Organisation backs the AAVP, told the *AFP*.

"If the Bill passes, Unaid and WHO would have to decide what happens and to see whether this is an appropriate

place," she said.

But Uganda Aids Commission director Kihumuro Apuuli yesterday said he had not received information to that effect.

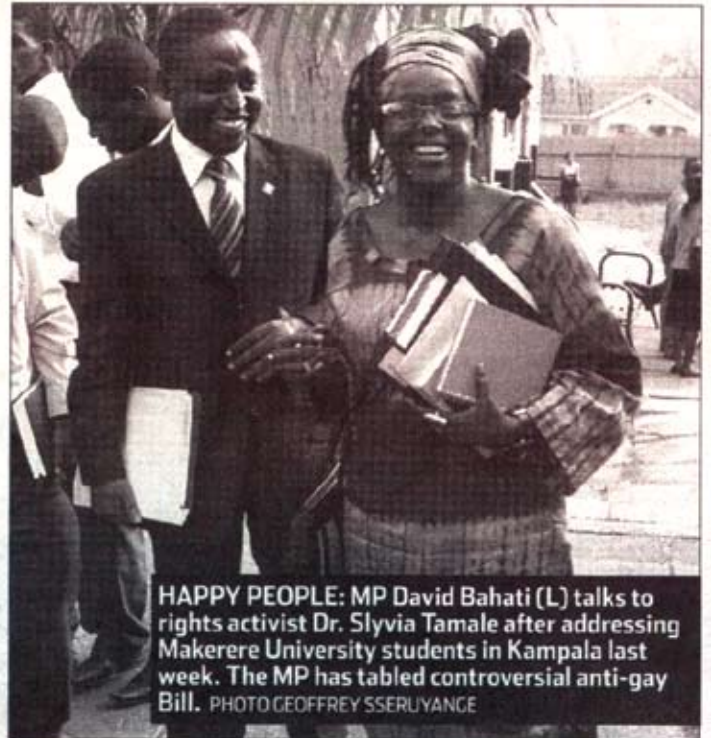
Speaking to the press on Monday, Dr. Alash'le Abimiku, the co-chair of the AAVP steering committee, said a rigorous process was followed before Uganda was selected. Seven other African countries were also on the shortlist.

Not priority

"I do not think that is true and much as Ms Hankins attended the conference, her comments were not part of the official statement we released on Monday," Dr Apuuli told *Daily Monitor* on phone yesterday.

However, he welcomed the UN's selection of Entebbe as the AAVP headquarters but has been silent about the Bill, which has been widely condemned by human rights and public health officials.

Dr Apuuli said the government does not have an HIV/Aids preventive programme for people of the same sex



HAPPY PEOPLE: MP David Bahati (L) talks to rights activist Dr. Sylvia Tamale after addressing Makerere University students in Kampala last week. The MP has tabled controversial anti-gay Bill. PHOTO GEOFFREY SSERUYANCE

and that they are not a priority group in Uganda's fight against HIV.

Under the draft law, any individual who promotes homosexuality could be sent to jail.

The Bill compels any person

of authority to report known homosexual activity to the Police and imposes the death penalty in cases of rape of a minor by a person of the same sex, or where one partner is HIV positive.

declaration on universal human rights.

The trouble is: it's no laughing matter. Of the 53 countries in the Commonwealth, 40 have sodomy laws. A majority of states in the Commonwealth Caribbean have a sodomy law: it's a sure recipe for the gradual, ineluctable spread of the virus. In a recent report on AIDS, UNAIDS points out that whereas " ... HIV prevalence is less than 1% among the general population of most countries in the region, it may be between 5 and 20 times higher among men who have sex with men." In its Epidemic Update for 2009, issued just today, UNAIDS re-emphasizes the alarming rates of transmission amongst the MSM populations in the Caribbean. By way of direct comparison with the Caribbean, every single country in Latin America has removed punitive legislation directed at homosexuals, making the prevention and treatment of AIDS vastly more accessible. Africa is another throw-

back. We've finally reached the point where the epidemiologists are chronicling the spread of AIDS within the homosexual population of the continent. Until now, the subject was taboo ... the possibility of gayness was rejected out of hand. But UNAIDS provides this disturbing quote: "A recent literature review of HIV infection among men who have sex with men in Africa identified 19 surveys published through May 2009 from 13 countries, in addition to several unpublished works, highlighting the expansion of available data. For each country, the HIV prevalence among men who have sex with men was higher than among the adult male population.

In this context, it's positively criminal to table a parliamentary bill like that of Uganda. It's one thing to talk about the promotion of the 'traditional family' as the author of the Bill does ad nauseam; it's quite another thing to incite the promotion of disease and murder.

The story of a young Ugandan gay couple

A proposed anti-gay law could make Uganda perhaps the most dangerous place for homosexuals and drive the gays of Uganda further underground. In a rare interview, the first of its kind with a newspaper journalist, a lesbian told Saturday Monitor's **Rodney Muhumuza** why she is very scared

The Sunday before last, Val Kalende listened quietly as her pastor's sermon digressed into a soft tirade against homosexuals. "We may even have one in our midst," the cleric told a congregation of about 50 born-again Christians.

If Ms Kalende did not know her pastor to be an honourable man, a father figure, his sudden anti-gay remarks would have left her shifting uncomfortably in her chair, wondering if those dreaded words were meant for her.

In the end, the woman who also serves as a minister, regularly taking her place on the worship team at her church of eight months, chose to let it go. It would not be her last time there.

Ms Kalende's chosen place of worship is a small church some-

pastor was wedding heterosexual couples as elated witnesses chanted loudly in the background.

As she readied herself for a new conversation, Ms Kalende grabbed the remote control to reduce the volume, creating artificial silence that would be broken by the occasional sound of cutlery dropped in a kitchen sink.

A teenage girl, a relative of Ms Kalende, was doing the dishes as some children lazed around the house. Then Ms Kalende headed for the door, leading the way to her veranda, away from the children she considered too young to know she was gay, for the sake of children she wanted to protect.

In a narration of the kinds of people she was not too comfortable around, Ms Kalende's account would include inquisitive children, illiterate motorcyclists, gossipy parishioners, bigoted employers and, most recently, a lawmaker named David Bahati. "My first reaction was, 'Who is Bahati?' He is the last person I knew," Ms Kalende said, launching into a decidedly personal explanation for why, "for the first time, I am very scared".

In October, Ndoorwa West MP Bahati brought an anti-gay law to the House, proposing in his document a new felony called "aggravated homosexuality", committed when the offender has sex with a person who is disabled or underage, or when there is HIV transmission. The crime should attract the death penalty, he proposed while consenting homosexuals should be imprisoned for life.

The proposed law, which has the tacit approval of President Museveni, would also penalise a third party for failing to report homosexual activity, as well as criminalise the actions of a reporter who, for example, interviews a gay couple.

Although Mr Bahati said he was not in a hate campaign, he could not explain the lack of facts to back his case --- the proposed law seeks to improve on the penalties prescribed in the Penal Code, which



'I want to be stronger than she is. But I feel bad, of course. She is really scared about what's going on at home.'

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Lesbian

where in Zana, in Wakiso, not too far from her Namasuba house, past a stage for motorcyclists who have made it a habit to ask if she is a man or a woman.

Ms Kalende's standard attire --- she is comfortable in a pair of denim jeans and does not wear skirts at all --- turned her into a favourite target for the boda-boda cyclists, once upsetting her so deeply that she had to report her tormentors to the authorities.

On the afternoon I met Ms Kalende, 27, she had just returned from attending service. The television in her living room was tuned to a station named Top, a Christian broadcaster, and a

already criminalises homosexuality --- or provide evidence to back claims that European gays were recruiting in Uganda.

In a country where homosexuality is still taboo, the bill had excited the homophobic sentiments of many Ugandans, and it also looked set to shrug off human rights concerns. As the Canadian government called the law "vile and hateful", and as the Swedish government threatened to cut aid over a law a minis-

ter described as "appalling", the authorities in Kampala were saying they would push for the introduction of legislation that would make Uganda one of the most dangerous places for gay people.

Ms Kalende has been openly gay since 2002, several years before she became a rights activist with the group Freedom and Roam-Uganda, six years before she met the woman she calls the love of her life.

First meeting

In October 2009, around the time Mr Bahati was preparing his anti-homosexuality law, Ms Kalende's partner, a 25-year-old woman, she did not wish to name, left for the United States, where she is now a student and the regular sender of hopeful messages to a partner living thousands of miles away.

The couple met in November 2008, one openly gay and the other closeted, but soon found the connection that inspired them to exchange rings in a recent private ceremony. They enjoyed each other's company, even going for an HIV test together.

RODNEY MUHUMUZA

'It's about her heart, her beauty, and the fact that we share the same faith.'

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Special Report

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Ms Kalende, smiling wryly, recalled being asked by a counsellor if her partner had been using a condom.

"In my mind, I was like, 'Dude?' I felt useless. He was giving me the wrong kind of counselling. I wanted to tell him: 'The lady you see there is my girlfriend,'" she said.

These days, a typical telephone conversation between the two lovers, which happens almost daily, ends with Ms Kalende saying something like this: "I love you." Before breaking into tears, the person on the other side answers back: "I love you, baby."

Feeling strong

In the intimate scheme of things, Ms Kalende plays the stronger partner, encouraging her lover, whom she affectionately calls Mimi, to be brave and allaying her concerns about safety in Uganda. "When she starts to cry, I don't cry," Ms Kalende said. "I want to be stronger than she is. But I feel bad, of course. She is really scared about what's going on at home."

The couple met through a mutual friend, with Ms Kalende as the more enthusiastic partner, until their relationship grew strong enough for them to start sharing a house. "She is a very beautiful woman," Ms Kalende said.

"It's about her heart, her beauty, and the fact that we share the same faith." Ms Kalende keeps in her wallet a picture from October 2009, taken days before her partner left Uganda.

They are looking straight in the camera, no smiles, with Ms Kalende's partner extending an arm over her lover to create the only sign of intimacy between them. It is a beautiful, if cheerless, photograph, yet one that captures the character of a relationship that is steeped in trust, respect and commitment.

"Before I met her, she was already in the process of leaving," Ms Kalende said. "I couldn't stop her, and I think that was the best for her. She

wasn't my first partner, but I know that she is the last...I was her first serious partner."

In press conferences hastily called to condemn the gays of Uganda, Ethics Minister Nsaba Buturo has been revving up the rhetoric, telling reporters that homosexuals can "forget about human rights". In a recent press briefing, Dr Buturo asked homosexuals to "leave us alone".

Offensive statement

It is the kind of statement that offends Ms Kalende, who professes love for Uganda but retains a keen understanding of her society.

"I love my country, and that means a lot to me," she said. "But this bill is not about homosexuality. It affects everyone; my pastor, my friends. It's not about us gays...Homosexuality is not about sodomising young boys. What about relationships among people who are not hurting anyone?"

It was Ms Kalende's way of saying that homosexuals have people in their lives who treasure them, men and women who may not let their silent aversion to gays determine the course of their friendships.

But it is difficult to predict how loved ones would react to a revelation that a daughter or sister is gay, Ms Kalende said.

"My partner is not like me," Ms Kalende, the only child of her father and mother, offered. "She's not yet brave enough to be open, because she doesn't want her family to know. I can't approach my mother-in-law and tell her I am in love with her daughter. It would give her a heart attack."

When Ms Kalende agreed to talk to a journalist about how the proposed law made her feel, she first sought the consent of her partner.

She said yes, but with the caveat that "you don't put me out there". Before she left Uganda, Ms Kalende's partner had sought to convince her lover to go slow with her activism, to keep a low profile, to just hang in there. It was the kind of advice Ms Kalende was always reluctant to accept.

But midway through her interview with *Saturday Monitor*, Ms Kalende seemed to remember her lover's words, asking: "How is this [interview] going to help me?" Then, moments later,

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she found her rhythm, saying firmly that "she was doing it for the whole LGBT [lesbian, gay, bisexual and transgender] community".

Necessary law?

Mr Bahati's proposed law, the human rights lawyer Ladislav Rwakafuzi has noted, is "not needed" in Uganda. Yet few people doubt the bill would be passed without much opposition.

Already, Speaker Edward Sekandi has spoken out to say Uganda should do whatever is necessary "to stop" homosexual relationships in Uganda.

If passed in its current shape, the law would drive Ugandan homosexuals — there are no reliable figures on their numbers, and most gays appear in public wearing masks — further underground.

In one of those moments when Ms Kalende would stop to give a thoughtful response, she came across as resigned to a destiny she had no way of foretelling. "We've never been through this," she said, preparing to ask a question for which she would get no answer.

"Even with the existing law, things have never been this serious. I don't know if things will ever be normal for us. Tell me, what will happen to us?"

Some facts about homosexuality

● Homosexuality is the romantic or sexual attraction or behaviour among members of the same sex, situationally or as an enduring disposition. As a sexual orientation, homosexuality is considered to lie within the heterosexual-homosexual continuum of human sexuality and refers to an individual's identity based on those attractions and membership in a community of others who share them.

● The prevalence of homosexuality is difficult to determine accurately; studies suggest between two and twenty percent of the population exhibit some degree of homosexual sensibility, though in many cultures homosexual relations have been prevalent.

● Homosexuality is widely encountered in the animal kingdom.

● Throughout history, individual aspects of homosexuality have been admired or condemned according to various societies' sexual norms. When praised, those aspects were seen as a way to improve society; when condemned, particular activities were seen as a sin or a disease, and some homosexual behaviour was prohibited by law. Since the middle of the 20th century, homosexuality has been gradually delisted as a disease and decriminalised in nearly all developed countries.

● However, the legal status of homosexual relations varies widely by country and there remain jurisdictions in which certain homosexual behaviours are crimes with severe penalties including death.

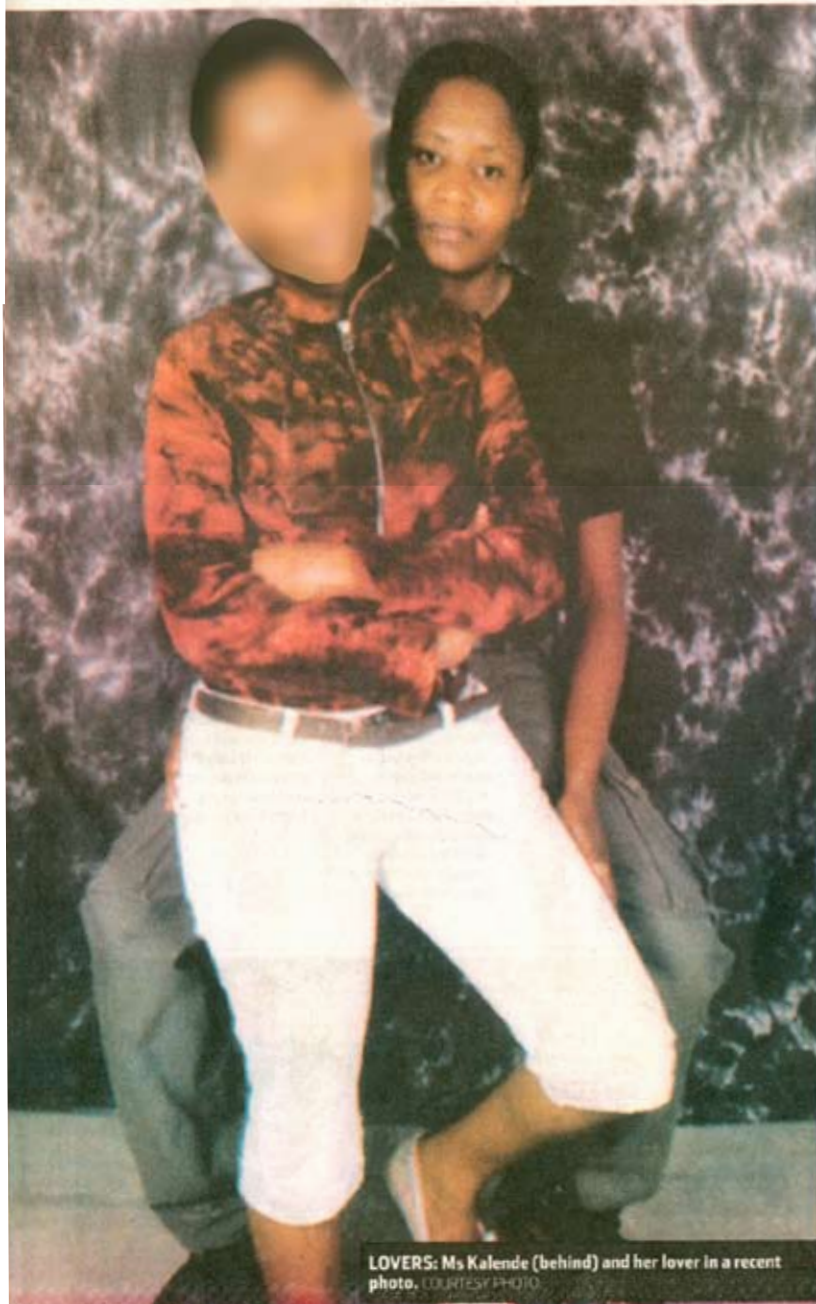
● Many homosexual people hide their feelings and activities out of fear of disapproval or aggression; they are commonly said to be closeted.

● Efforts toward emancipation of homosexuality as it is currently understood began in the 1860s; since the mid-1950s there has been an accelerating trend towards increased visibility, acceptance, and civil rights for lesbian, gay and bisexual people.

● Currently the most common adjectives in use are lesbian for women and gay for men, though some prefer other terms or none at all. One of the crucial issues in the public discussion about homosexuality is whether or not the condition is a mental illness.

● Religious and conservative Christians, Jews, Muslims, Sikhs etc, regard same-sex behaviour as profoundly immoral and hated by God regardless of the nature of their relationships. Many regard homosexuals as a threat to religious freedom, to the culture generally, and to the institution of opposite-sex marriage (which they generally refer to as traditional marriage).

● A variety of groups, consisting of most gays, lesbians, bisexuals, their friends and families of origin, religious liberals and progressives, secularists, mental health professionals and their associations, civil libertarians, human sexuality researchers, etc, favour equal rights and protections for persons of all sexual orientations, including the right to marry. Most favour the extension of hate-crime laws to include violent crimes motivated by hatred of the victim's sexual orientation. Most regard homophobia — any denial of human rights based on sexual orientation — to be as profoundly immoral as is sexism and racism.



LOVERS: Ms Kalende (behind) and her lover in a recent photo. COURTESY PHOTO

DR. SYLVIA TAMALE'S HUMAN RIGHTS IMPACT ASSESSMENT OF THE ANTI-HOMOSEXUALITY BILL

Public dialogue at Makerere University, 18 November 2009

I have scrutinized the bill thoroughly and the Honourable Member of Parliament David Bahati will be surprised to learn that I share some of his convictions. For example, Hon. Bahati I share your desires as expressed in the preamble to the bill:

1. To strengthen the nation's capacity to deal with emerging internal and external threats to the family unit. It is nevertheless important to point out that most of these can hardly be realized through the regulatory mechanism of the law.
2. To protect the cherished culture of the people of Uganda, particularly the positive aspects of it.
3. To protect Ugandan children and youth who are vulnerable to sexual abuse and exploitation—whether the abuse is hetero- and homosexual.

I do not have the time and space this afternoon to engage in a detailed sociological discussion of the concept that the bill refers to as the "Traditional African Family." However, it is my humble opinion that the concept needs to be unpacked and scrutinized. Mr. Chairperson as you very well know, Africa is a vast continent with an extremely rich and diverse cultural history. Indeed it would be next to impossible to mark a particular institution as the one and only "Traditional African Family".

I will cite just a few examples to demonstrate that matrimonial relations among various African communities have differed a great deal:

a) While marriage between first cousins was traditionally taboo among the Baganda, marriages among



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Dr. Sylvia Tamale

blood-related kin were considered the best unions among the Bahima here in Uganda;

b) There is the phenomenon of chigadzamapfihwa where the family of a barren wife among the Ndaus of Zimbabwe would 'donate' her brother's daughter to her husband to become a co-wife and bear children on behalf of the barren woman;

c) Practices of non-sexual woman-to-woman marriages among various African customs e.g., the Nandi and Kisii of Kenya, the Igbo of Nigeria, the Nuer of Sudan and the Kuria of Tanzania for purposes of coping with various reproductive, social and economic problems; and;

d) Levirate marriages where a man inherits his dead brother's wife were a customary requirement in many African communities.

While these may have been cultural practices at some point in our history, it is also important to

recognize that family institutions all over the world are undergoing rapid transformation. The changes that we see in this basic unit of society are the result of many factors including, economic crises, an increasing number of working mothers, technological advancements, armed conflicts, natural disasters, globalization, migration, the HIV/AIDS pandemic, etc. Many of these changes and indeed the evolution of culture cannot be halted, certainly not through law.

Perhaps the undisputed value that is a common denominator in all traditional institutions of the family in Africa is the group solidarity that we have embedded in our extended family networks. Unfortunately, the support, stability, love and respect that were the hall-

mark of this family model are rapidly being eroded and will soon become history.

Thus, while I agree with you Hon. Bahati that we must seek ways of dealing with issues that threaten our families, I do not agree that homosexuality is one of those issues. Mr. Chairperson, Ladies and gentlemen, what issues currently threaten our families here in Uganda?

I will name a few:

a) Blood thirsty Ugandans and traditional healers that believe that their good fortune will multiply through rituals of child sacrifice.

b) Rapists and child molesters who pounce on unsuspecting family members. Research undertaken by the NGO, Hope after Rape (HAR) shows that over 50% of child sexual abuse reports involve children below 10 years of age, and the

perpetrators are heterosexual men who are known to the victims.

c) Sexual predators that breach the trust placed in them as fathers, teachers, religious leaders, doctors, uncles and sexually exploit young girls and boys. A 2005 report by Raising Voices and Save the Children revealed that 90% of Ugandan children experienced domestic violence and defilement.

d) Abusive partners who engage in domestic violence whether physical, sexual or emotional. The 2006 national study on Domestic Violence by the Law Reform Commission confirmed the DV was pervasive in our communities. 66% of people in all regions of Uganda reported that DV occurred in their homes and the majority of the perpetrators were "male heads of households." The Uganda Demographic Health Survey of 2006 put the figure slightly higher at 68%.

e) Parents who force their 14-year old daughters to get married in exchange for bride price and marriage gifts.

f) A whole generation of children who were either born and bred in internally displaced persons (IDP) camps or abducted by the Lords Resistance Army (LRA) in the northern sub-region of Kitgum, Gulu and Pader districts.

g) The millions of children orphaned by HIV/AIDS. The Uganda Aids Commission puts the cumulative number

of orphans due to AIDS at 2 million.

h) The all-powerful patriarchs that demand total submission and rule their households with an iron hand.

i) Rising poverty levels and growing food insecurity which lead to hunger, disease, suffering and undignified living. Figures from the latest report from the Uganda Bureau of Statistics show that over 60% of Ugandans living in rural areas live below the poverty line.

"The idea of destroying homosexuality came from colonialists. In other words, homosexuality was not introduced to Africa from Europe as many would want us to believe. Rather, Europe imported legalized homophobia to Africa."

Dr. Sylvia Tamale

I do not see how two people who are in a loving relationship and harming no one pose a threat to the family simply because they happen to be of the same sex. The argument that homosexuality is a threat to the continuity of humankind and that it will lead to the extinction of human beings in the world simply does not hold water because there are too many heterosexuals in the world for that to become a re-

ality. How many of you in this room would "convert" to homosexuality any time soon?... So, just as the priests, nuns and monks who are sworn to a life of celibacy will not cause the extinction of humanity, homosexuals will not either.

II. Lessons from History

Anyone who cares to read history books knows very well that in times of crisis, when people at the locus of power are feeling vulnerable and their power is being threatened, they will turn against the weaker groups in society. They will pick out a weak voiceless group on whom to heap blame for all society's troubles—refugees, displaced populations, stateless persons aka illegal immigrants, minorities with no status, children, the poor, the homeless, commercial sex workers, etc. I will offer a few examples to illustrate this point:

a) In Uganda, colonialists at various times blamed traditional chiefs and elders as well as Muslims as the main impediments to progress and civilization.

Dictator Idi Amin blamed Asians for Uganda's dire economic problems and expelled all Indians in the early 1970s.

b) When Milton Obote's political power was threatened during his second regime in the early 1980s he em-

Continued on next page

barked on a deliberate campaign of hostility towards refugees in Uganda, particularly those of Rwandese extract. Obote's persecution of the Banyarwanda in Uganda and the whipping up of anti-Rwandese sentiments included the constant reference to his political opponent, Yoweri Museveni as a "foreigner from Rwanda."

c) In the 20 years that northern Uganda faced armed conflict, the NRM administration pointed fingers at Kony and the LRA was blamed for all the atrocities and suffering of the people in the north.

d) The transmission of HIV/AIDS at various points in our history has been blamed on different "weak" constituents including commercial sex workers, truck drivers, young women aged 15-23, and mothers to babies.

e) When native South Africans faced dire economic crisis they turned against black "foreigners", blaming them for the high unemployment rates and sparking off brutal xenophobic attacks against helpless immigrants/migrants and refugees in May 2008.

The lesson drawn from these chapters in our recent history is that today it is homosexuals under attack; tomorrow it will be another exaggerated minority.

Homosexuality has troubled people for a very long time. Some religions find it distressing and there are many debates around it. Mr. Chairperson and distinguished participants where did the idea of destroying homosexuality come from? As his excellency President Museveni pointed out at the inaugural Young Achievers Awards Ceremony last weekend, homosexuals existed prior to the coming of Europeans to Uganda. According to the President: "They were not persecuted but were not encouraged either" (Daily Monitor Nov 16, 2009 at p.2). The idea of destroying homosexuality came from colonialists. In other words, homosexuality was not introduced to Africa from Europe as many would want us to believe. Rather, Europe imported legalized homophobia to Africa.

Homosexuality was introduced as an offence in Uganda directly through laws that were imported from Britain during colonialism. And what did these same colonialists think of the "African traditional family" in Uganda? They certainly did not introduce sodomy laws in order to protect the traditional African family. In fact they believed that the traditional African family was inferior to their nuclear monogamous one and considered the former barbarous and 'repugnant to good conscience and morality.' This colonial attitude was well exemplified in

the infamous 1917 case of R. v. Amkeyo, in which Justice Hamilton dismissed customary marriages as mere 'wife purchase.'

Today, with all the economic, social and political crises facing Uganda, homosexuals present a convenient group to point fingers at as the "biggest threat" or the "real problem" to society. Mr. Chairperson, ladies and gentlemen, the re-criminalisation of homosexuality is meant to distract the attention of Ugandans from the real issues that harm us. It conveniently diverts the attention of the millions of Ugandans who have been walking the streets for years with their college certificates and no jobs on offer. Ladies and gentlemen, homosexuals have nothing to do with the hundreds of thousands of families that sleep without a meal or the millions of children who die unnecessarily every day from preventable or treatable diseases such as malaria, diarrhea, measles, pneumonia, etc. Homosexuals are not the ones responsible for the lack of drugs and supplies at primary health care centres.

III. The Social Implications of the Bill to the Average Ugandan

You may think that this bill targets only homosexual individuals. However, homosexuality is defined in such a broad fashion as to include "touching another person with the intention of committing the act of homosexuality." This is a provision highly prone to abuse and puts all citizens (both hetero and homosexuals) at great risk. Such a provision would make it very easy for a person to witch-hunt or bring false accusations against their enemies simply to "destroy" their reputations and cause scandal. We all have not forgotten what happened to Pastor Kayanja and other men of God in the recent past.

Moreover, the bill imposes a stiff fine and term of imprisonment for up to three years for any person in authority over a homosexual who fails to report the offender within 24 hours of acquiring such knowledge. Hence the bill requires family members to "spy" on one another. This provision obviously does not strengthen the family unit in the manner that Hon. Bahati claims his bill wants to do, but rather promotes the breaking up of the family. This provision further threatens relationships beyond family members. What do I mean? If a gay person talks to his priest or his doctor in confidence, seeking advice, the bill requires that such person breaches their trust and confidentiality with the gay individual and immediately hands them over to the police within 24 hours. Failure

to do so draws the risk of arrest to themselves. Or a mother who is trying to come to terms with her child's sexual orientation may be dragged to police cells for not turning in her child to the authorities. The same fate would befall teachers, priests, local councilors, counselors, doctors, landlords, elders, employers, MPs, lawyers, etc.

Furthermore, if your job is in any way related to human rights activism, advocacy, education and training, research, capacity building, and related issues this bill should be a cause for serious alarm. In a very undemocratic and unconstitutional fashion, the bill seeks to silence human rights activists, academics, students, donors and non-governmental organizations. If passed into law it will stifle the space of civil society. The bill also undermines the pivotal role of the media to report freely on any issue. The point I am trying to make is that we are all potential victims of this draconian bill.

Dr. Martin Luther King Jr. told us many years ago, "Power at its best is love implementing the demands of justice, and justice at its best is love correcting everything that stands against love." Article 1 of the Universal Declaration of Human Rights instructs us: "All Human Beings are Born Free and Equal in Dignity and Rights." Many great people that we respect and admire have spoken out for the rights of homosexuals. These include international award winners and champions of freedom and humanity—President Nelson Mandela, Archbishop Desmond Tutu and President Barack Obama. Just yesterday, it was reported that former president of Botswana, Festus Mogae added his voice to those who have come out in opposition to the Bahati Bill (Daily Monitor, November 17, 2009 at p.10).

We must remember that the principal message at the heart of all religions is one of LOVE (And now these three remain: faith, hope and love. But the greatest of these is love- 1 Corinthians 13: 13). All religions teach the virtues of tolerance and urge their followers to desist from passing judgment. Ladies and gentlemen, this bill promotes hatred, intolerance, superiority and violence. Even if you believe that homosexuality is a sin, this bill is not the best method to address the issue. It is valid to have religious and spiritual anxieties but our jurisprudence has a long history of separating the institutions of religion from the law. The law, Mr. Chairperson, does not seek to ally any legal principle with a particular religion. Mr. Stephen Langa is free to deliver his lectures on morality but it is unacceptable to reduce what he is preaching into law. In my final submission I want to turn to a legal analysis of this bill.

TAMALE DISSECTS BILL'S LEGAL IMPLICATIONS

"The Anti-Homosexuality bill has a total of 18 clauses. Twelve of these 18 clauses (i.e. 67%) are not new at all as they simply replicate what we already have on our law books. So the first point I want to highlight is that Parliament has been given a bill two-thirds of whose content duplicates existing laws.

"Clause 13 which attempts to outlaw the 'Promotion of Homosexuality is very problematic as it introduces widespread censorship and undermines fundamental freedoms such as the rights to free speech, expression, association and assembly. Under this provision an unscrupulous person aspiring to unseat a member of parliament can easily send the incumbent MP unsolicited material via e-mail or text messaging, implicating the latter as one 'promoting homosexuality.' After being framed in that way, it will be very difficult for the victim to shake free of the 'stigma.'

"Secondly, by criminalizing the 'funding and sponsoring of homosexuality and related activities,' the bill deals a major blow to Uganda's public health policies and efforts. Take for example, the Most At Risk Populations' Initiative (MARPI) introduced by the Ministry of Health in 2008, which targets specific populations in a comprehensive manner to curb the HIV/AIDS scourge. If this bill becomes law, health practitioners as well as those that have put money into this exemplary initiative will automatically be liable to imprisonment for seven years! The clause further undermines civil society activities by threatening the fundamental rights of NGOs and the use of intimidating tactics to shackle their directors and managers.

"Perhaps the most shocking aspect of this bill is Clause 18, which requires Uganda to opt out of any international treaty that we have previously ratified that goes against the spirit of the bill. Article 287 of the Constitution obliges Uganda to fully subscribe to all its international treaties obligations ratified prior to the passing of the 2005 constitution. We cannot legislate or simply wish these obligations away. Indeed, international law prohibits us from doing such a thing."

EIGHT MEN PUBLICLY ABANDON HOMOSEXUALITY

From the New Vision, 25 March 2009

EIGHT more men yesterday confessed involvement in homosexuality and gay activities, which they said they had abandoned. Speaking to journalists at the Grand Imperial Hotel in Kampala, the youthful men described homosexuality as abnormal and anti-Christian, and declared war against it.

The tough-talking men were accompanied by George Oundo, who earlier in the week denounced homosexuality and confessed recruiting school children into the practice.

"We have been involved in recruiting homosexuals, spreading the gospel of homosexuality, and we know the operations of homosexuals," said 27-year-old Emma Matovu, who took to homosexuality 13 years ago. "We shall do all it takes to eliminate the practice in Uganda."

Matovu, who said he abandoned the practice two weeks ago, asserted: "Homosexuality is dangerous and dehumanising but is growing fast in Uganda."

He urged the Government and all concerned citizens to "wake up now before this abnormal practice is made to appear normal as the case has been in the West".

Another former homosexual, Charles Asimwe, said the practice had spread to government offices, churches, schools and hotels. "Many business moguls are involved," Asimwe said.

Oundo said the eight men would fight the vice because they were victims with a tormenting experience.

"We shall expose those who refuse to abandon the practice and we shall not be intimidated because we are protected by Jesus," he asserted. "We know their operations, including a restaurant in the city centre where homosexuals wait for clients from nearby hotels."

He urged his former partners to abandon the practice, saying Uganda should become a role model in fighting the "barbarism".

US TV HOST INTERVIEWS 'EX-GAY' CITED BY BILL'S BACKERS

The following is the transcript of Rachel Maddow's recent interview with controversial "ex-gay" therapist Richard Cohen on MSNBC, 8 December 2009

Rachel Maddow: The subject of the interview is the head of a group called the International Healing Foundation, and all reporting on a proposed law to execute people for being gay in Uganda. In March, the International Healing Foundation, which is based in Maryland, sent one of its staffers to Uganda to speak to parliament there and to speak at a conference organized by the main promoter of the kill-the-gays bill. His message was that gay people are gay by choice and a gay person who wants to be straight can be straight. After the conference in April, the conference organizer arranged for an anti-homosexuality petition to be delivered to the Ugandan parliament. And within a month, on April 29th, the kill-the-gays bill had been introduced. Mr. Cohen is also head of the International Healing Foundation, which purports to be able to turn gay people straight. Mr. Cohen, thank you very much for being with us tonight. I really appreciate your time.

Maddow: Are you troubled at all to see Stephen Langa holding your book up and citing *Coming Out Straight* as inspiration? He is the main proponent of the kill-the-gays bill.

Richard Cohen: Well, if you listen to his words, he only said that I was teaching about some of the causes, what we believe are the causes of homosexuality. We believe that nobody's born this way. You keep saying we think people choose to be gay. We do not believe that. I believe that, psychologically, there are many causes to this phenomena, which means change is possible. So we are not a political organization. We're a therapeutic, counseling organization who provides help to men and women with unwanted same-sex attraction and their family members. We do not believe in this legislation, Rachel. We believe in tolerance and love for all people.

Maddow: But you have told them, particularly in your book, "Coming Out Straight," which I understand you donated multiple copies of to this organization that's promoting this bill. You're telling them exactly what they need to hear in order to justify the kill-the-gays bill. I mean, your book portrays gay people as predators who must be stopped to protect the innocent.

Cohen: Oh, no, no, no.

Maddow: It doesn't?

Cohen: No, no, no. Not at all. And in fact, Caleb told me he, with passion, shared to these people what he experienced as a homosexual man and as you heard Stephen Langa say, that people are searching for love.

Maddow: Let me try to make more comprehensible to you. The legislator who sponsored the bill told the Associated Press today, that he insists these strict measures - which I know you abhor - but these strict measure they're proposing, including execution, are necessary in their country to prevent homosexuals from recruiting school children.

Cohen: Yes.

Maddow: Let me ask - I'll just read from your book, OK? Page 49, "Homosexuals are at least 12 times more likely to

molest children than heterosexuals. Homosexual teachers are at least seven times more likely to molest a pupil. Homosexual teachers are estimated to have committed at least 25 percent of pupil molestation; 40 percent of molestation assaults were made by those who engage in homosexuality." This is the claim that you make in your book that exactly feeds these folks who want to execute people for being gay, what they need in order to justify that. Do you stand by what you said in your book?

Cohen: Actually, you know, that one particular quote, when I do republish it, reprint it, we will extract that from it, because we don't want such things to be used against homosexual persons.

Maddow: That quote is cited - you cite somebody named Paul Cameron as the source of that book.

Cohen: Yes.

Maddow: Paul Cameron has been kicked out of the American Psychological Association, the Nebraska Psychological Association, and the Canadian Psychological Association.

Cohen: Yes. Right.

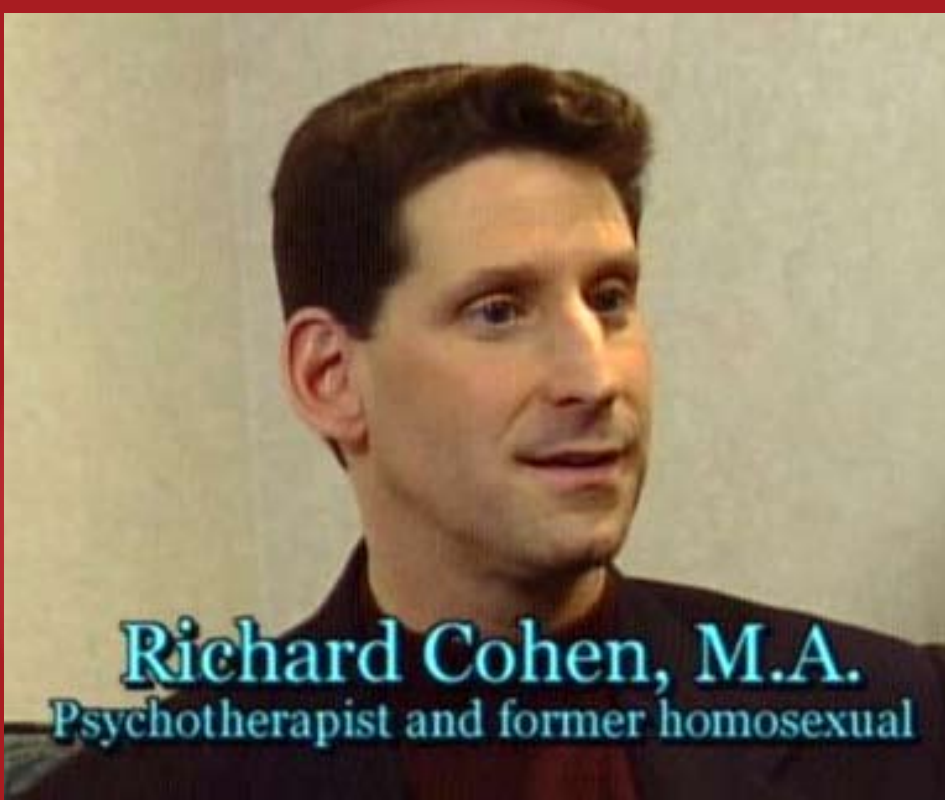
Maddow: Then, he tried to make himself a sociologist. He got kicked out of the American Sociological Association. This is - I know you say you're not going to include it in edition three. I'm reading from the second edition here.

Cohen: Right.

Maddow: But this is made-up information, fake authoritative stuff that, in other countries, is being taken as science and used to justify quite literally killing gay people. Do you see now why you're being used in a political context here?

Cohen: I see that they're using it, but you took that one little quote out of a 300-page book.

Maddow: Yes.



Richard Cohen is the author of *Coming Out Straight* and the head of the International Healing Foundation, which purports to turn gay people straight. His book has been cited by anti-gay activist Stephen Langa as evidence that homosexuality is a chosen lifestyle.